IN RE: PETITION FOR ADMIN. VARIANCE

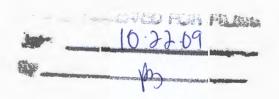
W side of Hillsmere Road; 112 feet N of the c/l of Kerry Road 2nd Election District 4th Councilmanic District (3302 Hillsmere Road)

Edward and Eleanor English Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0103-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Edward and Eleanor English for property located at 3302 Hillsmere Road. The variance request is from Section 1B02.3.A.2 (1-7-55 Section III A Residential) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition (sunroom) with a side yard setback of 3.5 feet and a covered open projection (deck) with a side yard setback of 3 feet in lieu of the minimum required 7 feet, respectivrely. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a 10 foot x 12 foot patio room with a 10 foot x 8 foot covered deck on the side of the dwelling. Petitioners desire to replace an existing covered deck. There is an existing door at this location that leads to the patio room/deck. The dwelling was constructed off-center on the property and close to the left side property line. The proposed location of the patio room and covered deck is the only place on the house where the improvements can be constructed, as the rear and other side of the home contain bedrooms and bathrooms.



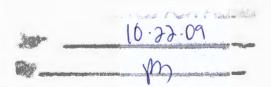
The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 4, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 22 ml day of October, 2009 that a variance from Section 1B02.3.A.2 (1-7-55 Section III A Residential) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition (sunroom) with a side yard setback of 3.5 feet and a covered open projection (deck) with a side yard setback of 3 feet in lieu of the minimum required 7 feet, respectively is hereby GRANTED, subject to the following:



1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK Deputy Zoning Commissioner for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 22, 2009

EDWARD AND ELEANOR ENGLISH 3302 HILLSMERE ROAD BALTIMORE MD 21207

Re: Petition for Administrative Variance

Case No. 2010-0103-A

Property: 3302 Hillsmere Road

Dear Mr. and Mrs. English:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Dave McMahon, 7110 Golden Ring Road, Baltimore MD 21221

Tax account# 0202201250



I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

	Petition for Administrative Variance to the Zoning Commissioner of Baltimore Count
MARYLAND	for the property located at 3302 Hillsmere Rd

for the property located at	3302	Hillsmere	≥ Rd
	presently z	oned	DR 5.5

is the subject of this Petition.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.3A.1. BCLR (1/1/55 SECT.TH "A" RES.)

TO PERMIT AN ADDITION (SUNROOM) WITH A SIDE YARD SETBACK OF 3.5-FEET AND A COVERED OPEN PROTECTION (DECK) WITH A SIDE YARD SETBACK OF 3-FEET IN LIEU OF THE MINIMUM REQUIRED 7-FEET, RESPECTIVELY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Contract Purchaser/Lessee:	·P	Legal Owner(s):		
		Edward Englis	h	And I want
Name - Type or Print	2	Name - Type or Print	lak	
Signature	A STATE OF THE STA	Signature Eleanor Engli		
Address	Telephone No.	Name - Type or Print	elish	IS = USA A
City State	Zip Code	Signature	y control of	
Attorney For Petitioner:		3302 Hillsmere	Rd (410)298-4231
		Address		Telephone No.
		Baltimore	MD	21207
Name - Type or Print	9	City	State	Zip Code
<u> </u>		Representative to be	Contacted:	
Signature		Barra Wallahan		
Company		Dave McMahon		
Company		7110 Golden Ring	Rd (41)	780-0062
Address	Telephone No.	Address		Telephone No.
		Baltimore	MD	21221
City State	Zip Code	City	State	Zip Code
A Public Hearing having been formally demanthis day of three regulations of Baltimore County and that the proper	at the subject matter of t rty be reposted.	required, it is ordered by the Zonin his petition be set for a public hearing Zoning Commissioner	g, advertised, as requ	ired by the zoning
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Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as

competent to testify thereto in the event that a p			
That the Affiant(s) does/do presently reside at	Address	re Rd.	THE SERVICE COMPANY OF THE SERVICE SER
	Baltimore City	MD.	21207
	City	MD State	Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardsh			the request for an Administrative
We would like to construct a (10'	x12') patio room wi	th a	
(10'x8') covered deck on the side of our h			
that we can not meet the required 7ft si			
set back, This is due to the fact that ou			
center to our lot. With the irregular sha			
front property line of 68.04ft. A rear pr			
and with side property lines being 103ft			
Our house was constructed only 15ft from			
house to the left property line. Leaving			
front corner to the opposite property lin			
constructed in the center of the property			
any need for a variation with the same si proposed location of the patio room and o			
place on our house we can construct the a			
replacing an existing covered deck, There		III De	
location, and the opposite side and the r			
consisted of our bed and bathrooms. We ca		TOOT .	5
any closer to the front of the house being	of there is an exist.	inc	
window and driveway. Therefore we are ask			
variance of 3.5' in lieu of the required		ACK.	5-
	and a miles		
That the Affiant(s) acknowledge(s) that it a to advertising fee and may be required to provide a		Amant(s) will be t	required to pay a reposting and
71 / 7 / //			
Chevard English	to the second second	Eleanor &	Eighthe
Signature	Signa	ture	
Edward English		Eleanor Engl	lish
Name - Type or Print	Name	- Type or Print	
A A	ione alla.		
STATE OF MARYLAND, COUNTY OF BALTIM	NORE, to WIL.		
LUEDERY CEPTIEV this 17 day of	ent	2009 hotors	me, a Notary Public of the State
of Maryland, in and for the County aforesaid, pe	regnally anneared	TOO T DETOIL	ine, a riotaly i done of the state
Edward + Eleanor E	nglish		
the Affiant(s) herein, personally known or satisfa	Charles take the state of the same taken and the party taken	as such Affiant(s)	
movemental decision becausing mount of aggett	are in the second second	an amount underlief also	i a
AS WITNESS my hand and Notarial Seal			
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My Commission Expires

DELORES A KAZMERSKI Notary Public Harford Co., MD My Comm. Exps. Nov. 1, 2009

Zoning Description 3302 Hillsmere Rd.

Beginning at a point on the west side of Hillsmere Rd. which is 50 ft. wide at the distance of 112 ft. north of the centerline of the nearest improved intersecting street Kerry Rd which is 50ft. wide.

*Being lot #11, Block#B in the subdivision of Windsor Farms as recorded in the Baltimore county Plat Book #23, Folio #126, containing 6,334.00 SF. Also known as 3302 Hillsmere Road. and located in the 2nd election district, 4th Councilmanic District.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is ubject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 2010-0103-A
Petitioner: ENGLISH
Address or Location:
PLEASE FORWARD ADVERTISING BILL TO:
Name: MR. + MRS. EDWARD ENGLISH
Address: 3302 HILLSMERE RO.
BANTO MD 21207
Telephone Number: 410-298-4231

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010 0103 -A Address 3301 HINSMERE	ERD.
Contact Person: DONNA THOMPSON Phone N	umber: 410-887-3391
Filing Date: 92009 Posting Date: 10409 Clos	ing Date: 10/19/09
Any contact made with this office regarding the status of the administrative through the contact person (planner) using the case number.	e variance should be
1. POSTING/COST: The petitioner must use one of the sign posters on the reverse side of this form) and the petitioner is responsible for all printing reposting must be done only by one of the sign posters on the approved is again responsible for all associated costs. The zoning notice sign property on or before the posting date noted above. It should remain the date.	ng/posting costs. Any I list and the petitioner must be visible on the
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner a formal request for a public hearing. Please understand that even request for a public hearing, the process is not complete on the closing of	if there is no formal
ORDER: After the closing date, the file will be reviewed by the zor commissioner. He may: (a) grant the requested relief; (b) deny the rorder that the matter be set in for a public hearing. You will receive writt within 10 days of the closing date if all County agencies' comments whether the petition has been granted, denied, or will go to public hear mailed to you by First Class mail.	equested relief; or (c) en notification, usually s are received, as to
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must (whether due to a neighbor's formal request or by order of the zon commissioner), notification will be forwarded to you. The sign on changed giving notice of the hearing date, time and location. As when posted, certification of this change and a photograph of the altered sign this office.	ing or deputy zoning the property must be the sign was originally
(Detach Along Dotted Line)	
Petitioner: This Part of the Form is for the Sign Poster Only	
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT	•
Case Number 20 0 0103 -A Address 3302 HILSMERE RD.	
Petitioner's Name <u>ENBLISH</u> Telephone	410-298-4231
Posting Date: 10 4 09 Closing Date: 10 19	109
Wording for Sign: To Permit AN ADDITION (SUNROOM) A WITH A S	SIDE YARD
SETBACK OF 3.5-FEET AND A COVERED OPEN PROTECTION	(DECK) WITH
A SIDE VARD SETBACK OF 3-FEET IN NEU OF THE MIN'ME	IM REQUIRED
7-FEET, RESPECTIVELY.	

WCR - Revised 7/7/08

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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	RE:	2010-0103-A
	Petitio	ner/Developer:
		English
	Date of Hearing/closing	:October19, 2009
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
Attn; Kristin Matthews;		
Ladies and Gentlemen:		
This letter is to certify under the penalties posted conspicuously on the property locat 3302 Hillsmere Road		red by law were
The sign(s) were posted on	Oct.4 2009	
	(Month, Day, Year)	
	Sincerely,	
	Robert Black Oct.	7, 2009
	(Signature of Sign P	oster) (Date)
	SSG Robert Blac	k
	(Print Name)	
	1508 Leslie Road	ı
	(Address)	
	Dundalk, Maryland	21222
	(City, State, Zip C	lode)
	(410) 282-7940	
	(Telephone Num	nor)





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

October 19, 2009

Edward & Eleanor English 3302 Hillsmere Rd. Baltimore, MD 21207

Dear: Edward & Eleanor English

RE: Case Number 2010-0103-A, 3302 Hillsmere Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 23, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

U. Cal Richal S

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

Dave McMahon; 7110 Golden Ring Rd.; Baltimore, MD 21221

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 20, 2009

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-103- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 8, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 5. 2009

ItemNumbers
0006,0034,0088,0096,0097,0098,0099,0100,0102,0103,0104,0106,0107,0108,0109,0
111,0113 and 0115

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: October 9, 2009

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 19, 2009

Item Nos. 10-006, 034, 096, 097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 113 and 115

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10192009.b -NO COMMENTS.doc



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCTOBER 7,2009

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 2010-0103-A 3302 HILLSMERE RD

ENGLIGH PROPERTY ADMIN, VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

FOR

Steven D. Foster, Chief . Engineering Access Permits

Division

SDF/mb

Patricia Zook - Case 2010-0103-A - comments needed

From:

Patricia Zook

To:

Murray, Curtis

Date:

10/21/2009 2:45 PM

Subject: Case 2010-0103-A - comments needed

Curtis -

We have an administrative variance that needs Planning comments:

CASE NUMBER: 2010-0103-A

3302 Hillsmere Road

Location: W side of Hillsmere Road; 112 feet N of the c/l of Kerry Road.

2nd Election District, 4th Councilmanic District Legal Owner: Edward and Eleanor English

Closing Date: 10/19/2009

ADMINISTRATIVE VARIANCE To permit an addition (sunroom) with a side yard setback of 3.5 feet and a covered open projection (deck) with a side yard setback of 3 feet in lieu of the minimum required 7 feet, respectively.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov





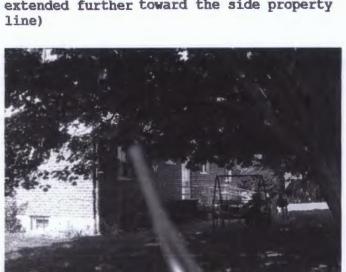
Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search (2007 vw6.3d)

Go Back **View Map New Search**

Account Identif	ier:	District - 0	2 Account Numb	er - 02022	201250					
			O	wner Info	rmation					
Owner Name:		ENGLISH E ENGLISH E	LEANOR				idence:	YES		
Mailing Address	S:	3302 HILLS BALTIMORE	MERE RD MD 21207		Deed R	eferen	ice:	1) /	5718/812	
			Location	& Structu	re Infor	mation	1			
Premises Addre	ss						Legal Desc	ription		
3302 HILLSMERE	RD						WINDSOR F	ARMS		
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Stories		Basem				Туре			Exteri	or
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			V	alue Infor	mation					
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			As Of		As Of		As Of			
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Improv	ements:	109,410	109,410							
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Type: IMPRO	VED ARMS-	LENGTH			Deed	1: /5	5718/ 812	Deed2:		
Seller:					Date	:		Price:		
Туре:					Deed	11:		Deed2:		
Seller:					Date	:		Price:		
Туре:					Deed	11:		Deed2:		
			Exe	mption In	formation	on				
Partial Exempt	Assessme	ents			Class		/01/2009		01/2010	
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State					000	0		0		
Municipal					000	0		0		
Tax Exempt:	NO						Speci	al Tax Rec	-	
Exempt Class:								* NONE *		



Location of proposed patio room and covered deck (to replace existing, not to extended further toward the side property line)



Veiw of the rear yard of 3317 Kerry Rd



Veiw of opposite side of house toward 3304 Hillsmire



Veiw of full side of property of 3302 Hillsmere Rd



